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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,055	08/15/2000	Pamela Boyer	B00-1065	1421

7590 03/03/2006

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EXAMINER
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CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/03/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/639,055

Filing Date: August 15, 2000

Appellant(s): BOYER, PAMELA

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Attorney Keaty  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/18/05 appealing from the Office action mailed 5/7/02.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The amendment after final rejection filed on 10/18/01 has been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,487,444	Dennington	1-1996
6,006,700	Cox	12-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennington in view of Cox. Dennington shows the claimed harness with the exception of the shoulder straps having resilient portions. Cox in fig.4b shows a harness having shoulder straps having resilient portions at 104 fixed to non-elastic portions 102 to prevent fatigue of a wearer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shoulder straps of Dennington to comprise elastic portions, as taught by Cox, to prevent fatigue of a wearer. Furthermore, to attach the suspender assembly 18 of Dennington to his front left and right shoulder straps by the conventional

method of sewing for fixing elements to a garment type device, as set forth in claims 3 and 23, would have been an obvious mechanical expedient.

#### **(10) Response to Argument**

**With respect to claims 1 and 2, Appellant's continued argument to Cox in view of his embodiment of fig. 4A and not to the applied embodiment of fig. 4B, as applied, is not persuasive as Cox in fig. 4B teaches a shoulder strap having an elastic portion 104 at an apex of the shoulder strap fixed to/and between a front and rear lower non-elastic portions 102. With respect to claim 4, note Dennington fig. 6. With respect to claim 22, Dennington shows his suspender assembly being fixedly attached to his shoulder straps by elements 62 and 70. With respect to claims 3 and 23, as stated in the rejection above, the art of sewing elements to a garment type device for fixing same thereto is a conventional practice and to sew the suspender assembly of Dennington to his shoulder straps if permanent attachment is desired would have been an obvious mechanical expedient in view of the conventional practice.**

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

ACS

  
**Alvin Chin-Shue**  
**Primary Examiner**

Conferees:

Pete Cuomo 

Richard Chilcot 

Alvin Chin-Shue 